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PENALTIES FOR ILLEGAL HANDGUN POSSESSION

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You asked for the criminal penalties in all states and the District of Columbia for illegal possession of handguns (pistols and revolvers), including the class of the crime, sentence range, and whether there is a mandatory minimum sentence.

SUMMARY

States restrict handgun possession in a variety of contexts. For example, following federal law, most states restrict access to handguns by minors; people convicted of felonies or certain other crimes; and people with certain mental health adjudications. Some states also require a permit, license, or certificate for handgun possession. While the 2nd Amendment to the Federal Constitution protects the individual right to own firearms, that right is not unlimited, and can be subject to certain gun control laws (*D.C. vs. Heller*, 554 U.S. 570 (2008); *McDonald vs. Chicago*, 130 S.Ct. 3020 (2010) (applying *Heller* to states)).

Penalties for illegal possession of handguns vary widely across states. For example, state law penalties for possession by convicted felons range from misdemeanors to felonies with mandatory minimums. Penalties for felons' illegal gun possession are generally higher than penalties for illegal possession in other contexts (such as possession without a required permit).

Below, we describe penalties for illegal handgun possession in three contexts: (1) possession without a permit, license, or certificate in those states with such a requirement; (2) possession by minors; and (3) possession by convicted felons.

HANDGUN POSSESSION

Permit or License Requirements

At least 13 states generally require someone to have a permit, license, or other certificate to purchase or possess a handgun; another (Minnesota) requires a permit in some circumstances. Table 1 lists these states and describes the general criminal penalties for failure to comply with these requirements. The table does not describe all crimes or penalties that could apply to a particular situation (such as fraud in the permit application process). It also does not generally address criminal penalties that apply in many states for carrying a gun without a required permit. The Government Accountability Office has recently completed a report on state concealed carry requirements; it is available at <http://www.gao.gov/products/GAO-12-717>.

Table 1: Criminal Penalties for Possession or Purchase of Handgun without a Required Permit, License, or Certificate

State*	Class of Crime and Criminal Penalties; Citation
California	Purchase handgun without safety certificate: misdemeanor, punishable by up to six months in jail, a fine of up to \$1,000, or both Cal. Penal Code § 31615
Connecticut	Purchase or receive handgun without permit or eligibility certificate: class D felony, punishable by one to five years imprisonment, a fine of up to \$5,000, or both CGS § 29-33
D.C.	Possess without registration certificate: Up to one year in prison, a fine of up to \$1,000, or both D.C. Code Ann. §§ 7-2502.01, 7-2507.06
Hawaii	Acquire firearm without a permit: misdemeanor, punishable by up to one year's imprisonment, a fine of up to \$2,000, or both Failing to register firearm: petty misdemeanor, punishable by up to 30 days imprisonment, a fine of up to \$1,000, or both Haw. Rev. Stat. Ann. §§ 134-2, 134-3, 134-17

Table 1 (continued)

State*	Class of Crime and Criminal Penalties; Citation
Illinois	<p>If person possesses or acquires handgun and the person's Firearm Owner's Identification Card is expired but the person is not otherwise disqualified from renewing it: class A misdemeanor, punishable by less than one year's imprisonment, a fine of up to \$2,500, or both</p> <p>If the person does not possess a valid ID card (other than an expired one as specified above), but is otherwise eligible: first offense is a class A misdemeanor (see above). Subsequent offense is a class 4 felony, punishable by one to three years imprisonment, a fine of up to \$25,000, or both</p> <p>If (1) the person's ID card has been revoked or is subject to revocation, (2) the card is expired and not eligible for renewal, or (3) the person does not possess a valid card and is not otherwise eligible, the penalty is a class 3 felony, punishable by two to five years imprisonment, a fine of up to \$25,000, or both</p> <p>430 Ill. Comp. Stat. 65/2, 65/14</p>
Iowa	<p>Acquire handgun without a permit: aggravated misdemeanor, punishable by up to two years imprisonment, a fine of \$625 to \$6,250, or both</p> <p>Iowa Code § 724.16</p>
Massachusetts	<p>Possess without license: first offense: up to two years in prison or jail, a fine of up to \$500, or both. Subsequent offense: up to two years imprisonment, a fine of up to \$1,000, or both.</p> <p>Possess without license outside of home or place of business: from 2.5 to five years imprisonment, or 18 months to 2.5 years in jail; with a mandatory minimum of 18 months</p> <p>Mass. Gen. Laws Ann. ch. 140, § 129C; ch. 269, § 10</p>
Michigan	<p>Obtain without permit: misdemeanor, punishable by up to 90 days imprisonment, a fine of up to \$100, or both</p> <p>Mich. Comp. Laws Ann. §§ 28.422, 750.232a</p>
Minnesota	<p>Requires handgun purchasers to have a transferee permit or permit to carry unless the seller files a transfer report following a waiting period</p> <p>Acquire without permit: gross misdemeanor, punishable by up to one year in jail, a fine of up to \$3,000, or both</p> <p>Minn. Stat. § 624.7132</p>
Nebraska	<p>Purchase without certificate: class I misdemeanor, punishable by up to one year in prison, a fine of up to \$1,000, or both</p> <p>Neb. Rev. St. §§ 69-2403, 69-2408</p>

Table 1 (continued)

State*	Class of Crime and Criminal Penalties; Citation
New Jersey	Possess without permit: 3 rd degree crime, punishable by three to five years imprisonment, a fine of up to \$15,000, or both (can be 2nd degree crime if gun meets certain specifications) N.J. Stat. Ann. §§ 2C:39-5, 2C:58-4
New York	Possess without permit: class A misdemeanor, punishable by up to one year in prison, a fine of up to \$1,000, or both Possess loaded firearm without permit, outside of person's home or place of business: class C felony, classified as violent felony offense, punishable by up to 15 years imprisonment, with a mandatory minimum of 3.5 years N.Y. Penal Law §§ 265.01, 265.03, 265.20
North Carolina	Purchase or receive without permit: Class 2 misdemeanor, punishable by up to six months imprisonment, a fine of up to \$1,000, or both N.C. Gen. Stat. § 14-402
Rhode Island	Purchase without safety certificate: Up to five years imprisonment, a fine of up to \$1,000, or both R.I. Gen. Laws §§ 11-47-26, 11-47-35

* In addition, Maryland generally requires a safety course before handgun purchase (Md. Code Ann., Pub. Safety §§ 5-118, 5-119)

Minors

Federal law generally prohibits anyone under age 18 from possessing a handgun (18 U.S.C. § 922(x)). Most states also set a minimum age for handgun possession. Table 2 below describes states' minimum age for possession and the criminal penalties for violations. In many states, there are specific criminal penalties for minors' illegal possession of handguns. In some states requiring a permit or license for gun purchase or ownership, there is no specific penalty for minors, but they are subject to the general penalties for possession without the required documentation. (Minors are generally ineligible for permits in these states.)

In most states with a minimum age for gun possession, there are a variety of exceptions (e.g., minors may be allowed to possess guns while hunting or with their parents' permission). Table 2 gives the general minimum age but does not describe these exceptions.

Table 2: Criminal Penalties for Illegal Possession of Handguns by Minors

State	General Minimum Age to Possess Handgun; Citation	Class of Crime and Criminal Penalties
Alabama	No specific penalty for possession by minors, although the law restricts selling or transferring handguns to people under age 18 (Ala. Code §§ 13A-11-57, 13A-11-76)	N/A
Alaska	16 Alaska Stat. § 11.61.220	Class B misdemeanor, punishable by up to 90 days imprisonment, a fine of up to \$2,000, or both
Arizona	18 Ariz. Rev. Stat. § 13-3111	Class 6 felony, punishable by six to 18 months imprisonment (there is a larger range for mitigated or aggravated sentences), a fine of up to \$150,000, or both
Arkansas	18 Ark. Code Ann. § 5-73-119	Class A misdemeanor, punishable by up to one year in prison, a fine of up to \$2,500, or both Class D felony in certain circumstances (such as repeat offenders), punishable by up to six years imprisonment, a fine of up to \$10,000, or both
California	18 Cal. Penal Code §§ 29610, 29700	Misdemeanor, punishable by up to six months in jail, a fine of up to \$1,000, or both Higher penalties apply in some circumstances (such as repeat offenders)
Colorado	18 Colo. Rev. Stat. § 18-12-108.5	First offense: class 2 misdemeanor, punishable by three to 12 months imprisonment, a fine of \$250 to \$1,000, or both Subsequent offenses: class 5 felony, punishable by one to three years imprisonment, a fine of \$1,000 to \$100,000, or both
Connecticut	21* Conn. Gen. Stat. §§ 29-28 , 29-33 , 29-36f	Must be 21 to obtain permit or eligibility certificate to purchase handgun Penalty for purchasing or receiving handgun without permit or eligibility certificate: class D felony, punishable by one to five years imprisonment, a fine of up to \$5,000, or both

Table 2 (continued)

State	General Minimum Age to Possess Handgun; Citation	Class of Crime and Criminal Penalties
Delaware	18 Del. Code Ann. tit. 11, § 1448	Class D felony, punishable by up to eight years imprisonment, a fine, or both If defendant is at least age 14: mandatory minimum of (1) six months for a first offense and (2) one year for a subsequent offense
D.C.	21 D.C. Code Ann. §§ 7-2502.03, 7-2507.06	Penalty applies to possessing unregistered firearm; must be 21 to register Up to one year in prison, a fine of up to \$1,000, or both
Florida	18 Fla. Stat. Ann. § 790.22	First offense: 1 st degree misdemeanor, punishable by up to three days detention and 100 hours of community service Subsequent offense: 3 rd degree felony, punishable by up to 15 days detention and 100 to 250 hours of community service Detention may be longer in certain circumstances
Georgia	18 Ga. Code Ann. § 16-11-132	First offense: misdemeanor, punishable by up to 12 months imprisonment, a fine of up to \$1,000, or both Subsequent offense: felony, punishable by up to three years imprisonment, a fine of up to \$5,000, or both
Hawaii	21* Haw. Rev. Stat. Ann. §§ 134-2, 134-17	Penalty applies to acquiring without permit; must be 21 to obtain permit Misdemeanor, punishable by up to one year's imprisonment, a fine of up to \$2,000, or both
Idaho	18 Idaho Code Ann. §§ 18-3302E, 1803302F	Misdemeanor, punishable by up to six months imprisonment, a fine of up to \$1,000, or both
Illinois	18 720 Ill. Comp. Stat. 5/24-3.1	Class 4 felony, punishable by one to three years imprisonment, a fine of up to \$25,000, or both

Table 2 (continued)

State	General Minimum Age to Possess Handgun; Citation	Class of Crime and Criminal Penalties
Indiana	18 Ind. Code Ann. § 35-47-10-5	First offense: class A misdemeanor, punishable by up to one year in prison, a fine of up to \$5,000, or both Subsequent offense: class C felony, punishable by two to eight years imprisonment, a fine of up to \$10,000, or both
Iowa	21* Iowa Code §§ 724.15, 724.16	Penalty applies to acquiring handgun without a permit; must be 21 to obtain permit Aggravated misdemeanor, punishable by up to two years imprisonment, a fine of \$625 to \$6,250, or both
Kansas	18 Kan. Stat. Ann. § 21-6301	First offense: class A nonperson misdemeanor, punishable by up to one year in jail, a fine of up to \$2,500, or both Subsequent offense: severity level 8, nonperson felony, punishable by nine to 11 months imprisonment, a fine of up to \$100,000, or both
Kentucky	18 Ky. Rev. Stat. Ann. § 527.100	First offense: class A misdemeanor, punishable by up to 12 months imprisonment, a fine of \$500, or both Subsequent offense: class D felony, punishable by one to five years imprisonment and a fine of \$1,000 to \$10,000
Louisiana	17 La. Rev. Stat. § 14:95.8	First offense: 90 days to six months imprisonment and a fine of up to \$100 Second offense: up to two years imprisonment and a fine of up to \$500 Third or subsequent offense: up to five years imprisonment at hard labor and a fine of up to \$1,000 For a juvenile adjudicated delinquent for this offense who was previously found guilty or adjudicated delinquent for any crime of violence or attempt or conspiracy to commit any such offense: six months to five years imprisonment (including at least 90 days being served without benefit of probation, parole, or a suspended sentence) and a \$500 to \$1,000 fine

Table 2 (continued)

State	General Minimum Age to Possess Handgun; Citation	Class of Crime and Criminal Penalties
Maine	No specific penalty for possession by minors (except for those who committed certain offenses), but the law prohibits transferring a handgun to someone under age 18 if the person knows or has reasonable cause to believe the recipient is a minor (Me. Rev. Stat. tit. 17-A, § 554-B)	N/A
Maryland	21 Md. Code Ann., Pub. Safety § 5-133	Misdemeanor, punishable by up to five years imprisonment, a fine of up to \$10,000, or both
Massachusetts	21 Mass. Gen. Laws Ann. ch. 140, §§ 129C, 131E; ch. 269, § 10	Penalty applies to possession without license; must be 21 to obtain license to purchase handgun Possession without license: first offense: up to two years in prison or jail, a fine of up to \$500, or both. Subsequent offense: up to two years imprisonment, a fine of up to \$1,000, or both. Possession without license outside of home or place of business: from 2.5 to five years imprisonment, or 18 months to 2.5 years in jail; with a mandatory minimum of 18 months
Michigan	18 Mich. Comp. Laws Ann. § 750.234f	Penalty for possession in public without adult supervision: misdemeanor, punishable by up to 90 days imprisonment, a fine of up to \$100, or both (see Table 1 for penalty for obtaining without permit)
Minnesota	18 Minn. Stat. § 624.713	Felony, punishable by up to five years imprisonment, a fine of up to \$10,000, or both

Table 2 (continued)

State	General Minimum Age to Possess Handgun; Citation	Class of Crime and Criminal Penalties
Mississippi	18 Miss. Code Ann. § 97-37-14	Delinquent act (with various consequences)
Missouri	18 Mo. Rev. Stat. § 571.080	None specified; court would have to decide penalty
Montana	None, but the law prohibits parents or others having charge of a minor under age 14 to permit the minor to carry or use a firearm in public without supervision (Mont. Code Ann. § 45-8-344)	N/A
Nebraska	18 Neb. Rev. Stat. Ann. § 28-1204	Class I misdemeanor, punishable by up to one year in prison, a fine of up to \$1,000, or both
Nevada	18 Nev. Rev. Stat. Ann. § 202.300	Delinquent act, and the court may order the child's detention in the same manner as if the child had committed an act that would have been a felony if committed by an adult
New Hampshire	None, although the law generally prohibits transferring a handgun to someone under age 18 (N.H. Rev. Stat. Ann. § 159:12)	N/A
New Jersey	21 N.J. Stat. Ann. § 2C:58-6.1	Crime of the fourth degree, punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both
New Mexico	19 N.M. Stat. Ann. § 30-7-2.2	Misdemeanor, punishable by up to one year in jail, a fine of up to \$1,000, or both

Table 2 (continued)

State	General Minimum Age to Possess Handgun; Citation	Class of Crime and Criminal Penalties
New York	21 N.Y. Penal Law §§ 265.01, 265.05, 400.00	New York generally prevents anyone under age 16 from possessing guns or other weapons; violators are adjudged as juvenile delinquents Possession without permit (must be 21 to obtain permit): class A misdemeanor, punishable by up to one year in prison, a fine of up to \$1,000, or both (see Table 1 for additional penalty if gun is loaded and outside of person's home or place of business)
North Carolina	18 N.C. Gen. Stat. § 14-269.7	Class 1 misdemeanor, punishable by up to 45 days imprisonment, a fine (at court's discretion), or both
North Dakota	18 N.D. Cent. Code § 62.1-02-01	Class A misdemeanor, punishable by up to one year in prison, a fine of up to \$2,000, or both
Ohio	21* (applies specifically to purchase) Ohio Rev. Code Ann. § 2923.211	2 nd degree misdemeanor, punishable by up to 90 days in jail, a fine of up to \$750, or both
Oklahoma	18 Okla. Stat. Ann. tit. 21 § 1273	Adjudicated delinquent (with various consequences)
Oregon	18 Or. Rev. Stat. § 166.250	Class A misdemeanor, punishable by up to one year in prison, a fine of up to \$6,250, or both
Pennsylvania	18 18 Pa. Cons. Stat. Ann. § 6110.1	First-degree misdemeanor, punishable by up to five years imprisonment, a fine of up to \$10,000, or both
Rhode Island	21 R.I. Gen. Laws §§ 11-47-26, 11-47-35	Up to five years imprisonment, a fine of up to \$1,000, or both
South Carolina	18 S.C. Code Ann. § 16-23-30	Felony, punishable by up to five years imprisonment, a fine of up to \$2,000 fine, or both
South Dakota	18 S.D. Codified Laws § 23-7-44	Class 1 misdemeanor, punishable by up to one year in prison, a fine of up to \$2,000, or both

Table 2 (continued)

State	General Minimum Age to Possess Handgun; Citation	Class of Crime and Criminal Penalties
Tennessee	18 Tenn. Code Ann. § 39-17-1319	Delinquent act, and in addition to other disposition as authorized by law, person may be required to perform community service: (1) up to 100 hours for a first offense or (2) 100 to 200 hours for a subsequent offense
Texas	None, but the law generally prohibits selling or giving a firearm to someone under age 18 (Tex. Penal Code § 46.06)	N/A
Utah	18 Utah Code Ann. § 76-10-509.4	First offense: class B misdemeanor, punishable by up to six months in jail, a fine of up to \$1,000, or both Subsequent offense: class A misdemeanor, punishable by up to one year in jail, a fine of up to \$2,500, or both
Vermont	16 Vt. Stat. Ann. tit. 13, § 4008	Deemed a delinquent child (with various consequences)
Virginia	18 Va. Code Ann. § 18.2-308.7	Class 1 misdemeanor, punishable by up to 12 months in jail, a fine of up to \$2,500, or both
Washington	18 Wash. Rev. Code Ann. § 9A.10.040	Class C felony, punishable by up to five years imprisonment, a fine of up to \$10,000, or both
West Virginia	18 W. Va. Code § 61-7-8	Subject to juvenile court jurisdiction; may be proceeded against as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent
Wisconsin	18 Wis. Stat. § 948.60	Class A misdemeanor, punishable by up to nine months imprisonment, a fine of up to \$10,000, or both
Wyoming	21 Wyo. Stat. § 6-8-404	The Wyoming Firearms Freedom Act, which applies to firearms manufactured in the state, provides that such firearms are exempt from federal gun laws (the legal effect of this provision is unclear), and that someone must be 21 to purchase a handgun covered under the act (with no specific penalty provided)

* Statute does not specifically address possession

Convicted Felons

Federal law generally prohibits convicted felons from possessing handguns (18 U.S.C. § 922(g)). Nearly all states also do so, although in some states the prohibition applies only to certain types of felonies (such as those involving violence or drugs).

Table 3 describes the states' criminal penalties for possession of handguns by felons. The prohibition on felons' possession of handguns often applies for a certain length of time after the felony conviction; the table does not indicate the particular periods for each state. If a state's penalty for possession applies only to a certain type of felony, the table indicates that in general terms, but does not describe in detail all of the different penalties that may apply to handgun possession following conviction for various types of crimes (e.g., some states have separate penalties if the underlying crime involved domestic violence, not shown in the table below). The table also does not indicate prohibitions in some states related to gun possession following conviction for certain misdemeanor crimes.

Table 3: Criminal Penalties for Illegal Possession of Handguns by Convicted Felons

State	Type of Felonies Covered, if Applicable; Class of Crime and Criminal Penalties; Citation
Alabama	Violent crimes Up to five years imprisonment Ala. Code § 13A-11-72
Alaska	Class C felony, punishable by up to five years imprisonment, a fine of up to \$50,000, or both Alaska Stat. § 11.61.200
Arizona	Class 4 felony, punishable by 18 months to three years imprisonment (there is a larger range for mitigated or aggravated sentences), a fine of up to \$150,000, or both Ariz. Rev. Stat. § 13-3102
Arkansas	Convictions involving violent felonies and certain other circumstances: class B felony, punishable by five to 20 years imprisonment, a fine of up to \$15,000, or both Other felonies: class D felony, punishable by up to six years imprisonment, a fine of up to \$10,000, or both Ark. Code Ann. § 5-73-103

Table 3 (continued)

State	Type of Felonies Covered, if Applicable; Class of Crime and Criminal Penalties; Citation
California	<p>Felony, punishable by 16 months to three years imprisonment, a fine, or both</p> <p>Different penalties apply in certain circumstances. For example, if the prior conviction was a violent felony: if probation is granted, or if the imposition or execution of sentence is suspended, a condition of the probation or suspension is that the defendant serve at least six months in jail</p> <p>Cal. Penal Code §§ 29800, 29900</p>
Colorado	<p>Felonies involving use of force or other specified crimes: class 5 felony, punishable by one to three years imprisonment, a fine of \$1,000 to \$100,000, or both</p> <p>Other felonies: class 6 felony, punishable by one year to 18 months imprisonment, a fine of \$1,000 to \$100,000, or both</p> <p>Colo. Rev. Stat. § 18-12-108</p>
Connecticut	<p>Class D felony, punishable by one to five years imprisonment, a fine of up to \$5,000, or both, with two-year mandatory minimum</p> <p>CGS § 53a-217c</p>
Delaware	<p>Class D felony, punishable by up to eight years imprisonment, a fine, or both</p> <p>If prior conviction was for a violent felony: mandatory minimum of one, three, or five years (depending on certain factors)</p> <p>Del. Code Ann. tit. 11, § 1448</p>
D.C.	<p>If conviction was for crime of violence other than conspiracy: up to 15 years imprisonment, with a three year mandatory minimum</p> <p>Other felonies: up to 10 years imprisonment, with a mandatory minimum of one year</p> <p>D.C. Code Ann. § 22-4503</p>
Florida	<p>2nd degree felony, punishable by up to 15 years imprisonment, a fine of up to \$10,000, or both</p> <p>Penalty is enhanced for gang-related activity</p> <p>Fla. Stat. Ann. § 790.23</p>
Georgia	<p>Forcible felonies: felony, punishable by five years imprisonment</p> <p>Other felonies: felony, punishable by one to five years imprisonment</p> <p>Ga. Code Ann. § 16-11-131</p>

Table 3 (continued)

State	Type of Felonies Covered, if Applicable; Class of Crime and Criminal Penalties; Citation
Hawaii	Class B felony, punishable by up to 10 years imprisonment, a fine of up to \$25,000, or both Haw. Rev. Stat. Ann. § 134-7
Idaho	Felony, punishable by up to five years imprisonment and a fine of up to \$5,000 Idaho Code Ann. § 18-3316
Illinois	Class 3 felony, punishable by two to five years imprisonment, a fine of up to \$25,000, or both 430 Ill. Comp. Stat. 65/2, 65/8, 65/14
Indiana	No specific prohibition on felons' possession, but the law prohibits selling or transferring a handgun to someone whom the transferor has reasonable cause to believe is a convicted felon (Ind. Code Ann. § 35-47-2-7)
Iowa	Class D felony, punishable by up to five years imprisonment, a fine of \$750 to \$7,500, or both Iowa Code § 724.26
Kansas	Severity level 8, nonperson felony, punishable by nine to 11 months imprisonment, a fine of up to \$100,000, or both Kan. Stat. Ann. § 21-6304
Kentucky	Class C felony, punishable by five to 10 years imprisonment and a fine of \$1,000 to \$10,000 Ky. Rev. Stat. Ann. § 527.040
Louisiana	Specified felonies involving violence, drugs, or sex crimes Conviction for possession of a firearm: 10 to 20 years imprisonment at hard labor, without the benefit of probation, parole, or a suspended sentence, and a fine of \$1,000 to \$5,000 Conviction for attempt to possess firearm: up to 7.5 years imprisonment at hard labor and a fine of \$500 to \$2,500 La. Rev. Stat. § 14:95.1
Maine	Class C crime, punishable by up to five years imprisonment, a fine of up to \$5,000, or both Me. Rev. Stat. tit. 15, § 393
Maryland	Misdemeanor, punishable by up to five years imprisonment, a fine of up to \$10,000, or both Md. Code Ann., Pub. Safety § 5-133

Table 3 (continued)

State	Type of Felonies Covered, if Applicable; Class of Crime and Criminal Penalties; Citation
Massachusetts	<p>Penalty applies to possession without license (felons are ineligible to obtain license)</p> <p>First offense: up to two years in prison or jail, a fine of up to \$500, or both. Subsequent offense: up to two years imprisonment, a fine of up to \$1,000, or both.</p> <p>(see Table 1 for additional penalties for possession without license outside of home or place of business)</p> <p>Mass. Gen. Laws Ann. ch. 140, § 129C; ch. 269, § 10</p>
Michigan	<p>Felony, punishable by up to five years imprisonment, a fine of up to \$5,000, or both</p> <p>Mich. Comp. Laws Ann. § 750.224f</p>
Minnesota	<p>Violent crimes: felony, punishable by up to 15 years imprisonment, a fine of up to \$30,000, or both</p> <p>Other felonies: Gross misdemeanor, punishable by up to one year in jail, a fine of up to \$3,000, or both</p> <p>Minn. Stat. § 624.713</p>
Mississippi	<p>Felony, punishable by one to 10 years imprisonment, a fine of up to \$5,000, or both</p> <p>Miss. Code Ann. § 97-37-5</p>
Missouri	<p>Class C felony, punishable by up to 10 years imprisonment, a fine of up to \$5,000, or both</p> <p>Mo. Rev. Stat. § 571.070</p>
Montana	<p>Felonies committed with dangerous weapons</p> <p>Two to 10 years imprisonment</p> <p>Mont. Code Ann. § 45-8-313</p>
Nebraska	<p>First offense: class ID felony, punishable by up to 50 years imprisonment, with a three-year mandatory minimum</p> <p>Subsequent offense: class IB felony, punishable by up to life in prison, with a mandatory minimum of 20 years</p> <p>Neb. Rev. Stat. § 28-1206</p>
Nevada	<p>Category B felony, punishable by one to six years imprisonment, a fine of up to \$5,000, or both</p> <p>Nev. Rev. Stat. Ann. § 202.360</p>

Table 3 (continued)

State	Type of Felonies Covered, if Applicable; Class of Crime and Criminal Penalties; Citation
New Hampshire	<p>Felonies (1) against the person or property of another or (2) involving drugs</p> <p>Class B felony, punishable by up to seven years imprisonment, a fine of up to \$4,000, or both</p> <p>N.H. Rev. Stat. Ann. § 159:3</p>
New Jersey	<p>Crime of the third degree, punishable by three to five years imprisonment, a fine of up to \$15,000, or both (can be crime of second degree if gun meets certain specifications)</p> <p>N.J. Stat. Ann. §§ 2C:39-5, 2C:58-3</p>
New Mexico	<p>4th degree felony, punishable by up to 18 months imprisonment, a fine of up to \$5,000, or both</p> <p>N.M. Stat. Ann. § 30-7-16</p>
New York	<p>Class A misdemeanor, punishable by up to one year in prison, a fine of up to \$1,000, or both</p> <p>N.Y. Penal Law § 400.00</p>
North Carolina	<p>Class G felony, punishable by eight to 16 months imprisonment, a fine, or both</p> <p>N.C. Gen. Stat. § 14-415.1</p>
North Dakota	<p>Class C felony, punishable by up to five years imprisonment, a fine of up to \$5,000, or both</p> <p>N.D. Cent. Code § 62.1-02-01</p>
Ohio	<p>Felonies involving violence or drugs</p> <p>3rd degree felony, punishable by nine to 36 months imprisonment, a fine of up to \$10,000, or both</p> <p>Ohio Rev. Code Ann. § 2923.13</p>
Oklahoma	<p>Felony, punished by one to 10 years imprisonment</p> <p>Okla. Stat. Ann. tit. 21, § 1283</p>
Oregon	<p>Class A misdemeanor, punishable by up to one year in prison, a fine of up to \$6,250, or both</p> <p>Or. Rev. Stat. § 166.250</p>
Pennsylvania	<p>Long list of crimes (particularly violent crimes) and drug felonies</p> <p>2nd degree felony, punishable by up to 10 years imprisonment, a fine of up to \$25,000, or both</p> <p>18 Pa. Cons. Stat. Ann. § 6105</p>

Table 3 (continued)

State	Type of Felonies Covered, if Applicable; Class of Crime and Criminal Penalties; Citation
Rhode Island	<p>Felonies involving violence or certain other crimes</p> <p>Punishable by two to 10 years imprisonment, with a mandatory minimum</p> <p>R.I. Gen. Laws §§ 11-47-5</p>
South Carolina	<p>Felonies involving violence</p> <p>Felony, punishable by up to five years imprisonment, a fine of up to \$2,000 fine, or both</p> <p>S.C. Code §§ 16-23-30, 16-23-500</p>
South Dakota	<p>Violent crimes and drug felonies</p> <p>Class 6 felony, punishable by up to two years imprisonment, a fine of up to \$4,000, or both</p> <p>S.D. Codified Laws §§ 22-14-15, 22-14-15.1</p>
Tennessee	<p>Class E felony, punishable by one to six years imprisonment, a fine of up to \$3,000 fine, or both</p> <p>Tenn. Code Ann. § 39-17-1307</p>
Texas	<p>3rd degree felony, punishable by two to 10 years imprisonment, a fine of up to \$10,000, or both</p> <p>Tex. Penal Code § 46.04</p>
Utah	<p>Violent felonies: 2nd degree felony, punishable by one to 15 years imprisonment, a fine of up to \$10,000, or both</p> <p>Other felonies: 3rd degree felony, punishable by up to five years imprisonment, a fine of up to \$5,000 fine, or both</p> <p>Utah Code Ann. § 76-10-503</p>
Vermont	None
Virginia	<p>Class 6 felony, punishable by one to five years imprisonment, or up to 12 months in jail, a fine of up to \$2,500, or both</p> <p>Mandatory minimum of (1) five years for people with convictions for violent felonies or (2) two years for people with other felony convictions within previous 10 years</p> <p>Va. Code Ann. § 18.2-308.2</p>

Table 3 (continued)

State	Type of Felonies Covered, if Applicable; Class of Crime and Criminal Penalties; Citation
Washington	<p>Violent crimes, certain drug crimes, and certain other “serious offenses”: Class B felony, punishable by up to 10 years imprisonment, a fine of up to \$20,000, or both</p> <p>Other felonies: Class C felony, punishable by up to five years imprisonment, a fine of up to \$10,000 fine, or both</p> <p>Wash. Rev. Code Ann. § 9.41.040</p>
West Virginia	<p>Violent, sexual, or certain drug offenses: felony, punishable by up to five years imprisonment, a fine of up to \$5,000, or both</p> <p>Other felonies: misdemeanor, punishable by 90 days to one year in jail, a fine of \$100 to \$1,000, or both</p> <p>W. Va. Code § 61-7-7</p>
Wisconsin	<p>Class G felony, punishable by up to 10 years imprisonment, a fine of up to \$25,000, or both</p> <p>Wis. Stat. § 941.29</p>
Wyoming	<p>Violent felonies or felonies causing bodily injury to peace officers: felony, punishable by up to three years imprisonment, a fine of up to \$5,000, or both.</p> <p>The Wyoming Firearms Freedom Act, which applies to firearms manufactured in the state, provides that such firearms are exempt from federal gun laws (the legal effect of this provision is unclear), and further provides that someone convicted of a felony cannot purchase a handgun covered under the act (with no specific penalty provided)</p> <p>Wyo. Stat. §§ 6-8-102, 6-8-404</p>

SOURCES

The information in this report was principally drawn from the following sources:

- Law Center to Prevent Gun Violence website (<http://smartgunlaws.org/gun-policy/>)
- National Rifle Association’s Institute for Legislative Action website (<http://www.nraila.org/gun-laws.aspx>)
- Westlaw research

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